IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.45 OF 2005

Shri Ravindra Mansingrao Kadam )
The Advocate General of Maharashtra )
having his office at High Court Annexe )
Mumbai 400 032. ) ....Applicant.

V/s

Shri Karpurapu Vara Prasadarao )
Residing at 12 Mukund, Gandharva )
Nagari, Nashik Road 422 101. ) ....Respondent.

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Mr. R.D. Rane, Additional Government Pleader, for the Applicant.

Mr. K.V. Prasadarao - Respondent appearing in person, present.

**CORAM**: **H.S. BEDI, C.J.,** &
**V.M.KANADE, J.**

**DATE** : 21st **December, 2006**

**ORAL ORDER:** (Per V.M. KANADE, J.)

1. This Miscellaneous Civil Application has been filed by the Advocate General of Maharashtra, seeking the following reliefs:-

> (a) that this Hon'ble Court may order that no proceeding, civil or Criminal, shall be instituted by the

> Respondent herein, in any court in Greater Mumbai without the leave of this Hon'ble Court and elsewhere in the State, without the leave of the concerned District and Sessions Judge, in the interest of justice;
>
> (b) for such other and further direction or relief which this Hon'ble Court may deem fit and proper in the nature and circumstances of this case and in the interest of justice;"

2. The present application has been filed seeking directions under section 2(1) of the Maharashtra Vexatious Litigation (Prevention) Act, 1971 (hereinafter referred to as "the Vexatious Litigation Act") against the respondent who allegedly has been instituting vexatious proceedings in various Courts of Maharashtra. When the matter was called out, we asked the respondent who was appearing in person, whether he wished to file his reply to the present Miscellaneous Civil Application. Though this question was asked to him thrice, the Respondent vehemently submitted that he did not wish to file any reply to the Miscellaneous

Civil Application. We also asked him whether any legal aid should be given to him free of cost. However, he declined the offer which was made to him. In the result, we propose to finally decide this Miscellaneous Civil Application at the admission stage itself.

3. It is alleged in the Miscellaneous Civil Application that the Respondent was working in India Security Press, Nashik and on account of certain misconduct he was served with the charge-sheet. The Finance Secretary, however, took a lenient view of the case and the Respondent was reinstated in service with punishment of stoppage of five future annual increments with cumulative effect. The Respondent challenged the said order by filing Original Application No.566 of 2000 before the Central Administrative Tribunal which directed that personal hearing should be given to the Respondent. However, in spite of personal hearing being offered to him, he did not remain present and, therefore, his departmental appeal was rejected. In the meantime, Respondent was sent to jail in some other proceedings and he remained inside for a period of 9 days and, therefore, he

was put under suspension. It is alleged that the Respondent has filed number of proceedings before various authorities and has continued to abuse the process of law. A list of all the cases which are filed by the Respondent in various courts is annexed at Exhibit-A to the Miscellaneous Civil Application which discloses that as many as 60 cases have been filed by him in various courts. The Miscellaneous Civil Application also discloses that strictures have been passed by the various courts while dismissing the applications which were filed by the Respondent. Some of the orders which are passed by various authorities are as under:-

(i) In the order dated, 08.04.1995, the Central Administrative Tribunal observed -

> "It is noticed that the applicant has the tendency to approach the Tribunal for all and sundry matters and there is no need for him to file this contempt petition.....
>
> "As a last resort, warning is given to the applicant not to resort to such tendencies in filing such

proceedings without going into the pros and cons of the same."

(ii) By the order dated 25.09.1995, in Original Application No.1130 of 1995, the Central Administrative Tribunal observed-

"The Original Application which is filed for a very vague relief, cannot be entertained. It is dismissed."

(iii) By the order dated 23.12.1996, in Original Application No. 1203 of 1996, the Central Administrative Tribunal noting the earlier warning once again observed that -

"In this case also without any cause of action, the Applicant has filed this Original Application which is devoid of merits."

(iv) By the order dated 20.02.1997, in Original Application No. 191 of 1997, the Central Administrative Tribunal observed-

> "Relief No.1 discloses no cause of action. It depends on the reply to be filed. Relief No.2 is in the nature of a PIL for which the Tribunal has no jurisdiction. The Original Application is, therefore, dismissed at the admission stage itself."

(v) By the order dated 29.04.1997, in Original Application No.336 of 1997, the Central Administrative Tribunal observed -

> "If such successive applications are allowed for the same relief, then a person can go on filing successive applications raising one pointy or the other on each occasion and this will lead to multiplicity of litigation and there will be no finality to any proceedings before this Tribunal."

> That being the legal position, the applicant has raised no new points but has raised the same points as raised in the earlier Original Application which was dismissed on merits. Therefore, I am of the view

> that there is no merit in the Original Application and the same is dismissed on the ground of res-judicata."

(vi) By the order dated 27/4/1998, in Original Application No. 393 of 1997, the Central Administrative Tribunal observed -

> "Since the applicant is in the habit of filing such type of applications, a nominal cost of Rs 100/- is ordered to be paid to the Respondents."

(vii) By the order dated 22.12.1997, in Original Application No.1136 of 1997, the Central Administrative Tribunal observed -

> "The application on its face appears to be a public Interest litigation; this point the applicant himself admitted that he wants action to be taken in the public interest."

(viii) By the order dated 05.09.1997, in Original Application No. 650 of 1997, the Central Administrative Tribunal observed -

> "As far as the other relief is concerned, it is wholly mis-conceived."

(ix) By the order dated 27.11.2000, in Writ Petition No.6309 of 2000, this Hon'ble Court observed as under:-

> "The Petitioner has been in the habit of filing numerous petitions before the Central Administrative Tribunal, many of which were withdrawn and some have been dismissed."

(x) In the order dated 16.01.2002, passed by this Hon'ble Court in Writ Petition No. 4814 of 2001, a Division Bench of this Hon'ble Court took a note of the various proceedings filed by the Respondent. The Division Bench of this Hon'ble court observed as under:-

> "Further, it has been pointed out that the Petitioner is in the habit of making wild allegations or statements against all, including the Judges of the Apex Court and this

Court.

> Ordinarily, we would have taken action against the Petitioner for contempt and also imposed heavy costs, but we find that he is a frustrated person in life and hence, we refrain from doing so. Rejected."

4. The Respondent went to the extent of intending to initiate proceedings for criminal contempt against two Hon'ble Judges of the Hon'ble Supreme court of India, and sought permission of the Attorney General of India to initiate such proceedings. However, the Attorney General of India declined to grant such permission. In one Writ Petition, being Writ Petition No. 1066 of 2005, the Division Bench of this Court, presided over by the Hon'ble Chief Justice took a note of various proceedings which were filed by the Respondent and dismissed the Petition and imposed costs of Rs 10,000/-. It is, therefore, submitted that in view of provisions of section 2(1) of the Vexatious Litigation Act, Miscellaneous Civil Application be allowed in terms of prayer clause (a).

5. The Respondent who appeared in person, instead of answering the allegations made against him in the application, narrated various proceedings which were taken out by him and submitted that the present application, therefore, on that count, should be dismissed.

6. In our view looking at the nature of the proceedings which have been taken out by the Respondent this is a fit case where order under section 2(1) of the Maharashtra Vexatious Litigation (Prevention) Act, 1971 is liable to be passed. Section 2(1) & (2) of the said Act reads as under:-

> " **2. Leave of Court necessary for vexatious litigant to institute or continue any civil or criminal proceedings.-**(1) If, on an application made by the Advocate General, the High Court is satisfied that any person has habitually and without any reasonable ground instituted vexatious proceedings, civil or criminal in any Court or Courts, whether against the same person or against different persons, the High court may, after hearing that person or giving him an opportunity of being heard, order that

no proceedings, civil or criminal, shall be instituted by him in any court (and that any legal proceedings instituted by him in any Court before the order shall not be continued by him),-

(a) in Greater Bombay, without the leave of the High Court; and

(b) elsewhere in the State, without the leave of the District and Sessions Judge.

At the hearing of any such application, the Advocate General may appear through a pleader.

(2) Such leave shall not be given unless the High Court or the Judge, as the case may be, is satisfied that the proceedings are not an abuse of the process of the Court and that there is *prima faice* ground for the proceedings."

7. In our view, a case has been made out by the applicant for grant of relief under section 2(1) of the said Act. Miscellaneous Civil Application is made absolute in terms of prayer clause (a). Prayer clause (a) reads as under:-

> (a) that this Hon'ble Court may order that no proceeding, civil or Criminal, shall be instituted by the Respondent herein, in any court in Greater Mumbai without the leave of this Hon'ble Court and elsewhere in the State, without the leave of the concerned District and Sessions Judge, in the interest of justice;"

It is further directed that any legal proceedings instituted by the Respondent in any court before this order is passed shall not be continued by him unless the High Court or the Judge, as the case may be, is satisfied that the proceedings are not an abuse of the process of the Court and that there is *prima facie* ground for the proceedings.

8. Miscellaneous Civil Application is allowed in the above terms.

**CHIEF JUSTICE**

**V.M. KANADE, J.**